

**MINUTES**

**CITY OF IMPERIAL BEACH  
CITY COUNCIL  
PLANNING COMMISSION  
PUBLIC FINANCING AUTHORITY  
HOUSING AUTHORITY  
IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY**

**MAY 15, 2013**

**Council Chambers  
825 Imperial Beach Boulevard  
Imperial Beach, CA 91932**

***CLOSED SESSION MEETING – 5:00 P.M.  
REGULAR MEETING – 6:00 P.M.***

**CLOSED SESSION MEETING CALL TO ORDER**

MAYOR PRO TEM BRAGG called the Closed Session Meeting to order at 5:07 p.m.

**ROLL CALL BY CITY CLERK**

Councilmembers present: Patton, Bilbray, Spriggs (arrived at 5:19 p.m.)  
Councilmembers absent: None  
Mayor absent: Janney  
Mayor Pro Tem present: Bragg  
Staff present: City Manager Brown; City Attorney Lyon; City Clerk Hald

**CLOSED SESSION**

**MOTION BY BILBRAY, SECOND BY PATTON, TO ADJOURN TO CLOSED SESSION UNDER:**

**1. CONFERENCE WITH LABOR NEGOTIATOR**

Pursuant to Government Code Section 54957.6:

Agency Negotiator: City Manager  
Employee Organizations: Imperial Beach Firefighters' Association (IBFA)  
Service Employees International Union (SEIU), Local 221  
Unrepresented Employees  
Management

**2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Government Code Section 54957

Title: City Attorney

**MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: BILBRAY, PATTON, BRAGG  
NOES: COUNCILMEMBERS: NONE  
ABSENT: COUNCILMEMBERS: SPRIGGS, JANNEY**

MAYOR PRO TEM BRAGG adjourned the meeting to Closed Session at 5:08 p.m. and she reconvened the meeting to Open Session at 6:01 p.m.

Reporting out of Closed Session, CITY ATTORNEY LYON announced City Council discussed Item No. 1, City Council gave direction and no reportable action was taken. Item No. 2 was continued until after the Regular session.

**REGULAR MEETING CALL TO ORDER**

MAYOR PRO TEM BRAGG called the Regular Meeting to order at 6:03 p.m.

**ROLL CALL BY CITY CLERK**

Councilmembers present:	Patton, Bilbray, Spriggs
Councilmembers absent:	None
Mayor absent:	Janney
Mayor Pro Tem present:	Bragg
Staff present:	City Manager Brown; City Attorney Lyon; City Clerk Hald

**PLEDGE OF ALLEGIANCE**

MAYOR PRO TEM BRAGG led everyone in the Pledge of Allegiance.

**AGENDA CHANGES**

**MOTION BY BILBRAY, SECOND BY PATTON, TO TAKE ITEM NO. 6.1 AFTER THE CONSENT CALENDAR. MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: SPRIGGS, BILBRAY, PATTON, BRAGG**  
**NOES: COUNCILMEMBERS: NONE**  
**ABSENT: COUNCILMEMBERS: JANNEY**

**MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/REPORTS ON ASSIGNMENTS AND COMMITTEES**

None.

**COMMUNICATIONS FROM CITY STAFF**

None.

**PUBLIC COMMENT**

ZEKE MAZUR showed a picture of a mural that is on a building located on the corner of Palm Ave. and Seacoast Drive. He is offended by the quote from Genesis of the Bible and claimed that the wall is a billboard for Christianity. He questioned if the City has rules on public billboards.

NICK MARINGVICH, Sweetwater Bond Oversight Committee, reported on the activities of the committee.

JESUS GONZALES, representing SEIU Local 221, asked City Council to keep the employees in mind when giving direction regarding negotiations.

DAVID GARCIAS, President of SEIU Local 221, asked City Council to consider a different approach to bargaining with the employees this year. He noted that the employees have not had a cost of living increase since 2008 and that what the employees are asking for is not unreasonable.

**PRESENTATIONS (1.1)**

**1.1 PRESENTATION BY PATRICE MILKOVICH, DIRECTOR OF THE SOUTHWESTERN COLLEGE CROWN COVE AQUATIC CENTER. (1020-90)**

PATRICE MILKOVICH, Director of the Southwestern College Crown Cove Aquatic Center, gave a PowerPoint presentation on the services available at the center and she invited everyone to a Community Open House on Sunday, May 19, 2013.

**CONSENT CALENDAR (2.1-2.4)**

**MOTION BY BILBRAY, SECOND BY SPRIGGS, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THROUGH 2.4. MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: SPRIGGS, BILBRAY, PATTON, BRAGG  
NOES: COUNCILMEMBERS: NONE  
ABSENT: COUNCILMEMBERS: JANNEY**

**2.1 MINUTES.**

Approved the minutes of the Special Workshop Meeting of January 30, 2013, the Regular City Council Meetings of March 20, 2013 and April 17, 2013, and the Special Closed Session Meeting of April 17, 2013.

**2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)**

Ratified the following registers: Accounts Payable Numbers 82396 through 82456 for a subtotal amount of \$654,288.31 and Payroll Checks/Direct Deposit 45208 through 45226 for a subtotal of \$124,764.78 for a total amount of \$779,053.09.

**2.3 RESOLUTION NO. 2013-7329 APPROVING THE ENGINEER'S REPORT FOR PROCEEDINGS FOR THE ANNUAL LEVY OF ASSESSMENTS WITH A SPECIAL ASSESSMENT DISTRICT – AD 67M. (0345-10)**

1. Received report and
2. Approved and adopted resolution.

**2.4 RESOLUTION NO. 2013-7330 DECLARING INTENT TO PROVIDE AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS IN A SPECIAL ASSESSMENT DISTRICT (AD 67M) AND SETTING A TIME AND A PLACE FOR THE PUBLIC HEARING THEREON. (0345-10)**

1. Received report and
2. Approved and adopted resolution.

**REPORTS (6.1)**

**6.1 PROPOSED BSA EAGLE PROJECT PRESENTATION. (0940-10)**

PUBLIC WORKS DIRECTOR LEVIEN introduced the item.

EAGLE SCOUT CANDIDATE ADAM KOSEN from BSA Troop 53, gave a PowerPoint presentation on his project which is to install landscaping in the area at the south east corner of Seacoast Dr. and Imperial Beach Blvd.

**CONSENSUS OF CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO SIGN THE EAGLE PROJECT PLAN FOR MR. KOSEN TO CONTINUE THE PROJECT DEVELOPMENT AND CONSTRUCTION AS APPROVED BY CITY COUNCIL AND CITY STAFF.**

**PUBLIC COMMENT**

MONICA MANUEL, representing the Del Mar Fair Grounds, invited the Imperial Beach community to the 2013 San Diego County Fair.

**ORDINANCES – INTRODUCTION/FIRST READING/PUBLIC HEARING (3.1)**

**3.1 ORDINANCE NO. 2013-1139 AUTHORIZING RECOVERY OF ANY FEES INCURRED BY THE CITY IN THE ATTEMPT TO COLLECT OUTSTANDING DEBT; ADOPTION OF RESOLUTION NUMBER 2013-7331 REVISING THE PARKING CITATION FEE SCHEDULE TO ALLOW RECOVERY OF COLLECTION FEES; AND RESOLUTION NUMBER 2013-7332 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH INGLEWOOD CITATION MANAGEMENT SERVICES (ICMS) TO: PROVIDE PARKING MANAGEMENT SERVICES; BEGIN COLLECTION OF UNPAID PARKING TICKET FINES; AND ESTABLISH A COST RECOVERY FEE FOR COLLECTION SERVICES. (0390-70)**

CITY MANAGER BROWN introduced the item and announced the breakdown of the net impact was submitted as Last Minute Agenda Information.

MAYOR PRO TEM BRAGG declared the public hearing open.

PUBLIC SAFETY DIRECTOR CLARK reported on the item.

CITY CLERK HALD announced no public speaker slips were submitted.

MAYOR PRO TEM BRAGG closed the public hearing.

In response to concerns of City Council, PUBLIC SAFETY DIRECTOR CLARK stated that the contract with the City of Inglewood will allow the City to collect parking fees that would otherwise go uncollected and that the new parking citation system is more efficient compared to the one currently in use.

MAYOR PRO TEM BRAGG stated that City Council had previously asked staff to look into ways for generating revenue and commended staff for bringing this item forward.

PUBLIC SAFETY DIRECTOR CLARK stated that at a recent Community Parking Workshop, many of the attendees opposed the installation of parking meters and encouraged staff to enforce the current parking regulations.

MAYOR PRO TEM BRAGG asked staff to ensure that the community is informed of the new program.

**MOTION BY BILBRAY, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NO. 2013-7331 REVISING THE PARKING CITATION FEE SCHEDULE TO ALLOW RECOVERY OF COLLECTION FEES. MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: SPRIGGS, BILBRAY, PATTON, BRAGG  
NOES: COUNCILMEMBERS: NONE  
ABSENT: COUNCILMEMBERS: JANNEY**

**MOTION BY BILBRAY, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NO. 2013-7332 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH INGLEWOOD CITATION MANAGEMENT SERVICES (ICMS) TO: PROVIDE PARKING MANAGEMENT SERVICES; BEGIN COLLECTION OF UNPAID PARKING TICKET FINES; AND ESTABLISH A COST RECOVERY FEE FOR COLLECTION SERVICES. MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: SPRIGGS, BILBRAY, PATTON, BRAGG  
NOES: COUNCILMEMBERS: NONE  
ABSENT: COUNCILMEMBERS: JANNEY**

MAYOR PRO TEM BRAGG called for the first reading of the title Ordinance No. 2013-1139.

CITY CLERK HALD read the title of Ordinance No. 2013-1139 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING SECTION 10.36.190 AND ADDING CHAPTER 1.24 TO THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO PENALTIES FOR THE PARKING, STANDING, AND STOPPING OF VEHICLES."

**MOTION BY BILBRAY, SECOND BY SPRIGGS, TO WAIVE FURTHER READING OF ORDINANCE NO. 2013-1139 AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING. MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: SPRIGGS, BILBRAY, PATTON, BRAGG  
NOES: COUNCILMEMBERS: NONE  
ABSENT: COUNCILMEMBERS: JANNEY**

CITY ATTORNEY LYON stated for the record that Exhibit A to Resolution No. 2013-7331 is Attachment 5 to the staff report.

**ORDINANCES – SECOND READING/ADOPTION (4.1)**

**4.1 ORDINANCE 2013-1138 ADOPTING REVISED SEWER SERVICE RATES FOR SANITARY SERVICE AND AMENDING SECTIONS OF CHAPTER 13.06 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO SEWER SERVICE CHARGES. (0830-95)**

CITY MANAGER BROWN introduced the item.

MAYOR PRO TEM BRAGG called for the reading of the title Ordinance No. 2013-1138.

CITY CLERK HALD read the title of Ordinance No. 2013-1138 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ADOPTING REVISED SEWER SERVICE RATES FOR SANITARY SEWER SERVICE AND AMENDING SECTIONS OF CHAPTER 13.06 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO SEWER SERVICE CHARGES."

**MOTION BY PATTON, SECOND BY BILBRAY, TO WAIVE FURTHER READING OF ORDINANCE NO. 2013-1138 AND ADOPT ORDINANCE BY TITLE ONLY. MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: SPRIGGS, BILBRAY, PATTON, BRAGG  
NOES: COUNCILMEMBERS: NONE  
ABSENT: COUNCILMEMBERS: JANNEY**

CITY CLERK HALD announced that no speaker slips were submitted for Item No. 4.1.

**PUBLIC HEARINGS (5)**

None.

**REPORTS (6.2-6.5)**

**6.2 RESOLUTION 2013-7333 ADOPTING THE PROPOSED BUDGET, AS REVISED, FOR THE FISCAL YEARS 2013-2014 AND 2014-2015; AND APPROVING REVISIONS TO THE FY 2012-2013 BUDGET RELATED TO ESTABLISHING A CALPERS SIDE FUND. (0330-30)**

CITY MANAGER BROWN introduced the item.

ADMINISTRATIVE SERVICES DIRECTOR VONACHEN reviewed the PowerPoint presentation that was submitted with the staff report as Attachment 2.

ERIKA LOWERY asked City Council to postpone approval of the budget until the next City Council meeting where there will be a discussion on a major financial matter. She asked City Council not to have the budget dictate the outcome of the next meeting (additional speaking time donated by JEAN VILLARD).

CITY MANAGER BROWN stated that there is a possibility that the adopted budget may be amended based on two factors: the decision about management of the Sports Park and decisions about labor negotiations. He stressed that City Council has enough flexibility to accommodate the outcome of either or both decisions.

COUNCILMEMBER SPRIGGS expressed concern about adopting the budget tonight. He preferred to have the PowerPoint presentation shown to the public and to have had a presentation and discussion on the operating budget, although it was presented at the previous City Council meeting.

CITY MANAGER BROWN offered to go page by page and be as transparent as possible. He noted that staff concentrated on the topics presented to City Council because those were the topics that City Council was most concerned about based on discussions of the budget at the previous City Council meeting. He too, is disappointed that the PowerPoint presentation was not put on display, but noted that copies of the presentation were provided to the members of the public that are in attendance tonight and the presentation was posted online and made available to the public last week when the agenda packets were made available to the City Council.

MAYOR PRO TEM BRAGG stated that she is ready to go through the budget page by page tonight and called a recess at 7:51 p.m. She called the meeting back to order at 8:01 p.m.

**ROLL CALL BY CITY CLERK**

Councilmembers present:	Patton, Bilbray, Spriggs
Councilmembers absent:	None
Mayor absent:	Janney
Mayor Pro Tem present:	Bragg
Staff present:	City Manager Brown; City Attorney Lyon; City Clerk Hald

ADMINISTRATIVE SERVICES DIRECTOR VONACHEN reviewed the General Fund forecast. It was noted that the budget will be negative in fiscal years 2016, 2017 and 2018 and that the overall revenues are projected to increase conservatively at 1.2% on average during the forecasted years.

In response to City Council, CITY MANAGER BROWN stated that an aggressive forecast would produce additional revenues in the range of \$500,000 to \$700,000 per year but prefers to keep revenue estimates lower in order to be safe.

COUNCILMEMBER SPRIGGS spoke in support for revenue generation by pursuing visitor serving businesses to compliment the new hotel, marketing and partnering with the business community in getting the vacant lots occupied and for building-out Seacoast Drive to its zoning potential. He also talked about being more proactive and strategic about tourism/ecotourism and the new zoning ordinance.

CITY MANAGER BROWN agreed that the City should try to market Imperial Beach, however, staff has constantly worked on potential development opportunities that the City Council may not be aware of.

COUNCILMEMBER SPRIGGS spoke in support for being entrepreneurial, for pursuing joint ventures, public/private partnerships, creative financing, engage in specific development strategies. Not just work harder but smarter with a strategy and with the tools like financial resources, public relations, marketing sources to increase revenues.

MAYOR PRO TEM BRAGG supported cohesive strategic planning that goes hand in hand with the budget.

ADMINISTRATIVE SERVICES DIRECTOR VONACHEN reviewed the projected expenditures.

COUNCILMEMBER PATTON supported the \$1.7 million in reserves; public relations for the new hotel and Seacoast Drive and foresees good things ahead for the City.

COUNCILMEMBER SPRIGGS expressed appreciation for the opportunity to discuss the operating budget and the forecasts in detail.

**MOTION BY SPRIGGS, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2013-7333 ADOPTING THE PROPOSED BUDGET, AS REVISED, FOR THE FISCAL YEARS 2013-2014 AND 2014-2015; AND APPROVING REVISIONS TO THE FY 2012-2013 BUDGET RELATED TO ESTABLISHING A CALPERS SIDE FUND. MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: SPRIGGS, BILBRAY, PATTON, BRAGG  
NOES: COUNCILMEMBERS: NONE  
ABSENT: COUNCILMEMBERS: JANNEY**

**6.3 RESOLUTION NO. 2013-7334 REVISING CITY COUNCIL POLICY NO. 420 RELATED TO FUND BALANCE RESERVE. (0300-95 & 0410-95)**

CITY MANAGER BROWN reported on the item.

**MOTION BY PATTON, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2013-7334 REVISING CITY COUNCIL POLICY NO. 420 RELATED TO FUND BALANCE RESERVE. MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: SPRIGGS, BILBRAY, PATTON, BRAGG  
NOES: COUNCILMEMBERS: NONE  
ABSENT: COUNCILMEMBERS: JANNEY**

**6.4 RESOLUTION 2013-7336 CONSIDERATION OF ADOPTING A RESOLUTION ELECTING THE POPULATION AND PRICE ADJUSTMENT FACTORS AND ESTABLISHING THE 2013-2014 APPROPRIATIONS LIMIT OF THE CITY OF IMPERIAL BEACH, PURSUANT TO CALIFORNIA CONSTITUTION ARTICLE XIII B AND SECTION 7900 ET SEQ. OF THE CALIFORNIA GOVERNMENT CODE. (0330-30)**

CITY MANAGER BROWN introduced the item.

**MOTION BY BILBRAY, SECOND BY PATTON, TO ADOPT RESOLUTION NO. 2013-7336 ADOPTING A RESOLUTION ELECTING THE POPULATION AND PRICE ADJUSTMENT FACTORS AND ESTABLISHING THE 2013-2014 APPROPRIATIONS LIMIT OF THE CITY OF IMPERIAL BEACH, PURSUANT TO CALIFORNIA CONSTITUTION ARTICLE XIII B AND SECTION 7900 ET SEQ. OF THE CALIFORNIA GOVERNMENT CODE. MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: SPRIGGS, BILBRAY, PATTON, BRAGG  
NOES: COUNCILMEMBERS: NONE  
ABSENT: COUNCILMEMBERS: JANNEY**

**6.5 RESOLUTION NO. 2013-7335 AUTHORIZING SECOND AMENDMENT TO THE AGREEMENT WITH MCDOUGAL, LOVE, ECKIS, BOEHMER & FOLEY TO EXTEND THE TERM FOR TWO YEARS FOR LEGAL SERVICES. (0440-30)**

CITY ATTORNEY LYON announced that although she does not have a conflict of interest under the law, she preferred to recuse herself from Item No. 6.5 and Item No. 7.1 and left Council Chambers at 8:36 p.m.

CITY MANAGER BROWN reported on the item and recommended approval of both Item Nos. 6.5 and 7.1.

MAYOR PRO TEM BRAGG stated that with the demise of RDA, Imperial Beach stands in better shape than other cities due to the guidance of our law firm.

**MOTION BY BILBRAY, SECOND BY PATTON, TO ADOPT RESOLUTION NO. 2013-7335 AUTHORIZING SECOND AMENDMENT TO THE AGREEMENT WITH MCDOUGAL, LOVE, ECKIS, BOEHMER & FOLEY TO EXTEND THE TERM FOR TWO YEARS FOR LEGAL SERVICES. MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: SPRIGGS, BILBRAY, PATTON, BRAGG  
NOES: COUNCILMEMBERS: NONE  
ABSENT: COUNCILMEMBERS: JANNEY**

COUNCILMEMBER SPRIGGS noted that there is no increase to the City Attorney's retainer and hourly rates and they will remain the same going forward for the next two years.

